

# **EXHIBIT E**

Volume I  
Pages: 1-65  
Exhibits: None

COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

LOUIS P. ALBERGHINI,

Complainant

vs.

No. 01SEM10657

SIMONDS INDUSTRIES, INC.,

Respondent

\* \* \* \* \*

DEPOSITION of PETER DUPERRY called as a witness by the Complainant, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Susan E. Lepore, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, taken at the Elliott Law Office, 307 Central Street, Gardner, Massachusetts, on Friday, January 3, 2003, commencing at 2:15 p.m.

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\*\*\*\*\*

**DUPLICATE**

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[1] A: Yes, I am.

[2] Q: Okay. And in what capacity? Did you  
[3] hire Mr. Sigel to represent you?

[4] A: I did not.

[5] Q: Okay. Is he representing you with  
[6] respect to your employment at Simonds  
[7] Industries, because you're an employee of  
[8] Simonds Industries?

[9] A: Yes.

[10] Q: Are you taking any medication that  
[11] would impair your ability to testify accurately?

[12] A: No, I'm not.

[13] Q: Could you please, for the record,  
[14] state your name and residential address?

[15] A: It's Peter Duperry, 58 Elizabeth  
[16] Street, Fitchburg, Mass.

[17] Q: And could you spell your last name  
[18] for the court reporter, please?

[19] A: D U P E R R Y.

[20] Q: And do you have any plans to move  
[21] from that address?

[22] A: No.

[23] Q: Could you please state your age?

[24] A: I'm 24.

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[1] Q: And when were you employed by Simonds  
[2] Industries?

[3] A: I don't remember exactly. I believe  
[4] it was August of 2001, though.

[5] Q: And for what position were you hired  
[6] at Simonds Industries?

[7] A: Product engineer.

[8] Q: And what was your salary when you  
[9] were hired by Simonds Industries?

[10] A: \$48,000 per year.

[11] Q: And since that time, have you  
[12] received any increases in salary?

[13] A: Yes. I believe it was a three-  
[14] percent increase, a few months ago.

[15] Q: A few months ago?

[16] A: Uh-hum.

[17] Q: In 2001? Sometime in 2001?

[18] A: 2002.

[19] Q: I'm sorry, 2002. The years are going  
[20] by too fast for me. And that three-percent  
[21] increase, what does that bring you up to in  
[22] salary, if you know?

[23] A: It's a little over 49,000.

[24] Q: And since your employment in August

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[1] of 2001, have you had any change in the job that  
[2] you performed? Well, let me ask you: Has your  
[3] title changed?

[4] A: No, my title hasn't changed.

[5] Q: Okay. You're still a product  
[6] engineer?

[7] A: Uh-hum.

[8] MR. SIGEL: You have to answer  
[9] verbally.

[10] A: Yes. I'm sorry.

[11] Q: Who is your current supervisor?

[12] A: Richard Brault.

[13] Q: And did you have a supervisor prior  
[14] to Mr. Brault, or has he always been your  
[15] supervisor?

[16] A: He's always been my supervisor.

[17] Q: Okay. Since the day you were hired?

[18] A: Yes.

[19] Q: Have you ever been deposed before?

[20] A: No, I haven't.

[21] Q: Did you review any records for your  
[22] deposition today?

[23] A: I did review the job descriptions, as  
[24] well as my review for the last year.

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[1] Q: Your performance review?

[2] A: Yes.

[3] Q: For 2001?

[4] A: 2001, yes.

[5] Q: What job descriptions did you review?

[6] A: The product engineer and process  
[7] engineer, or project engineer.

[8] Q: Project engineer?

[9] A: Yes, I don't recall if it was process  
[10] or project.

[11] Q: Okay. Do you know, is there such a  
[12] position as a process engineer at Simonds  
[13] Industries?

[14] A: I don't believe so.

[15] Q: Is there currently such a position as  
[16] a project engineer?

[17] A: No.

[18] Q: Where did you review these records  
[19] that you reviewed, the job description and the  
[20] performance review?

[21] A: In the — at Simonds Industries.

[22] Q: And did you review any other  
[23] documents besides the job description and —  
[24] descriptions, excuse me, and the performance



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[1] review?  
[2] **A:** I don't recall any others.  
[3] **Q:** And did someone prepare you for your  
[4] deposition today?  
[5] **A:** Jon did show us a video and told us  
[6] what to expect.  
[7] **Q:** Jonathan Sigel?  
[8] **A:** Yes.  
[9] **Q:** And when did you meet with him?  
[10] **A:** Yesterday.  
[11] **Q:** And for how long did you meet with  
[12] him?  
[13] **A:** Approximately three hours.  
[14] **Q:** And was anyone else present in that  
[15] meeting?  
[16] **A:** Rick Brault and Jeremy Dexter.  
[17] **Q:** Anybody else?  
[18] **THE WITNESS:** I don't remember your  
[19] name.  
[20] **MR. WITMAN:** David Witman.  
[21] **A:** And David Witman was present after a  
[22] while.  
[23] **THE WITNESS:** Sorry.  
[24] **Q:** Anyone else?

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[1] **A:** (Witness shakes head negatively.)  
[2] **Q:** You have to answer verbally.  
[3] **A:** No.  
[4] **Q:** Okay. Now, where did you go to  
[5] college?  
[6] **A:** Worcester Polytechnic Institute.  
[7] **Q:** And do you have a degree from there?  
[8] **A:** Yes.  
[9] **Q:** What's your degree?  
[10] **A:** It's a Bachelor of Science in  
[11] Mechanical Engineering, with a concentration in  
[12] machine design.  
[13] **Q:** And when did you get your degree?  
[14] **A:** 2001, May.  
[15] **Q:** And did it take you four years to get  
[16] your degree?  
[17] **A:** It took me five years.  
[18] **Q:** Five years, okay. During the  
[19] five-year period that you were getting your  
[20] degree, did you perform any work anywhere?  
[21] **A:** Yes. I had an internship with St.  
[22] Gobain Industrial Ceramics.  
[23] **Q:** And when did you work there, for this  
[24] internship?

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[1] **A:** Summer of 2000, I believe.  
[2] **Q:** Did you have any other work during  
[3] the five years of college?  
[4] **A:** I worked construction for my father  
[5] the rest of the time.  
[6] **Q:** And when you say "the rest of the  
[7] time," do you mean when you were not in school?  
[8] **A:** Yeah, all previous summers.  
[9] **Q:** Summers and breaks?  
[10] **A:** Yes, unfortunately.  
[11] **Q:** What kind of construction?  
[12] **A:** New homes, remodeling, roofing.  
[13] Anything and everything.  
[14] **Q:** Now, what did you do at the summer  
[15] internship that you had at St. Gobain?  
[16] **A:** My primary job function was to update  
[17] and revise drawings to conform to the ISO 9,001  
[18] standards. I also worked on a project where I  
[19] designed a grinding machine used to grind one of  
[20] their products, in order to hold a specific  
[21] tolerance and reduce the through-put time in  
[22] order to produce it.  
[23] **Q:** And at what time in the five-year  
[24] period did you have this internship?

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[1] **A:** I believe that was after my fourth  
[2] year.  
[3] **Q:** That would be between your fourth and  
[4] fifth year?  
[5] **A:** Fourth and fifth, yes.  
[6] **Q:** Okay. Now, your resume indicates a  
[7] Crystar Diffusion Components, what is that?  
[8] **A:** That's actually a division of St.  
[9] Gobain Industrial Ceramics.  
[10] **Q:** Okay. And that is where you actually  
[11] performed this work that you just explained to  
[12] me?  
[13] **A:** Yes.  
[14] **Q:** You also have your Major Qualifying  
[15] Project listed on your resume as the Gillette  
[16] Company; is that correct?  
[17] **A:** Yes.  
[18] **Q:** And it indicates here that you did an  
[19] analysis of a cam-driven linkage; is that right?  
[20] **A:** Yes, it is.  
[21] **Q:** Could you describe that a little bit?  
[22] **A:** It's a pretty complex thing. We —  
[23] Gillette Company uses several cam-driven  
[24] linkages on their assembly line, upwards of



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[1] A: No, I did not.  
[2] Q: Okay. Did you have discussions with  
[3] anybody else, relative to your testimony today?  
[4] A: No.  
[5] Q: Have you discussed with anyone Mr.  
[6] Alberghini, anyone at Simonds Industries?  
[7] A: I've heard his name a few times, but  
[8] I never really — if memory serves me correct,  
[9] Ernie said that he used to walk with them at  
[10] lunchtime. That's as much as I ever heard about  
[11] him.  
[12] Q: Okay. I'm going to show you what,  
[13] apparently, is a job description for a products  
[14] engineer at Simonds Industries. Could you just  
[15] take a minute and look at that?  
[16] (Witness perusing document.)  
[17] Q: Have you seen that job description  
[18] before?  
[19] A: Yes, I saw this yesterday.  
[20] Q: Okay. Is yesterday the first time  
[21] you saw this job description?  
[22] A: Yes.  
[23] Q: Did your supervisor, Mr. Brault, ever  
[24] give you a copy of this job description?

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[1] A: No, he did not.  
[2] Q: Okay. How did you get your  
[3] instructions about what your job duties and  
[4] responsibilities were?  
[5] A: Rick gave me a job to do, and I did  
[6] it.  
[7] Q: Okay. So did he relate that to you  
[8] verbally or —  
[9] A: Yes.  
[10] Q: Well, perhaps he gave you an  
[11] assignment in writing or something?  
[12] A: Usually verbally.  
[13] Q: Usually verbally, okay. So you  
[14] haven't used this particularly, in knowing what  
[15] your job duties are?  
[16] A: No, I have not.  
[17] Q: I'd like to take a minute and go over  
[18] these responsibilities, so if you want to take a  
[19] minute and look at the document, go ahead.  
[20] (Witness perusing document.)  
[21] A: This is pretty outdated. A lot of  
[22] those responsibilities follow under the quality  
[23] manager now.  
[24] Q: Okay. So let's go through the

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[1] "Essential Duties and Responsibilities." The  
[2] first one says to "Improve, maintain or design  
[3] as-needed quality control systems, to ensure  
[4] that product specifications are being met by the  
[5] manufacturing process for the assigned product  
[6] line." Did you, at any time, ever perform that  
[7] duty?  
[8] A: I have, with Salvador Santoro.  
[9] Q: Okay. And who is Salvador Santoro?  
[10] A: He's the quality manager.  
[11] Q: And do you perform that particular  
[12] duty any longer?  
[13] A: I still work on the quality system  
[14] with him, yes.  
[15] Q: "Analyze return goods complaints, as  
[16] prepared by the QC technician, and develop  
[17] correction actions for process improvements with  
[18] the assigned product line." Have you ever  
[19] performed that duty?  
[20] A: Yes, I have.  
[21] Q: Okay. And do you still perform that  
[22] duty?  
[23] A: Yes, I do.  
[24] Q: Okay. What does that involve?

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[1] A: Well, we'll receive the return goods  
[2] document and review it, and we'll try to  
[3] determine where the — what the cause of these  
[4] returns is, either through conversations with  
[5] marketing or with the operators, to determine  
[6] whether it's a machine issue or just the  
[7] customer being crazy.  
[8] It can also be from the — that the  
[9] material that we receive isn't good in the first  
[10] place. We'll then compose a preventative  
[11] action. I usually go to the quality manager for  
[12] a copy of that and describe the problem with  
[13] him, and he — he'll essentially take over at  
[14] that point.  
[15] Q: And the first one, what would your —  
[16] the first essential duty that we discussed just  
[17] prior to this one, the improving, maintaining,  
[18] designing quality control systems, that one,  
[19] now, you said you have done that from time to  
[20] time, I think?  
[21] A: Uh-hum.  
[22] Q: But what is your understanding of  
[23] what that would involve?  
[24] A: Well, I've done more maintaining the



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[1] current ones. We use SPC charting in a few of  
[2] the areas, such as ball welding, carbide ball  
[3] welding. The operator takes — records data,  
[4] and we use that data to make sure that we have  
[5] consistent quality in the — coming from the  
[6] machines —

[7] Q: Okay.

[8] A: — and I work with him to make sure  
[9] that those measurement systems are working  
[10] correctly.

[11] Q: And with regard to that and the  
[12] second item that we discussed under "Essential  
[13] Duties and Responsibilities," do you need to be  
[14] a mechanical engineer to perform those jobs,  
[15] those duties?

[16] A: You certainly need the mathematical  
[17] skills and statistical knowledge in order to  
[18] perform those duties.

[19] Q: All right. And are mechanical  
[20] engineers the only ones that would have those  
[21] statistical —

[22] A: No.

[23] Q: — abilities?

[24] A: No, they're not.

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[1] Q: Or the math abilities?

[2] A: No.

[3] Q: Okay. "Work closely with  
[4] manufacturing line unit managers to solve  
[5] process issues relating to methods, machines or  
[6] material within the assigned product line."  
[7] Have you done that?

[8] A: Could you repeat that?

[9] Q: Sure. "Work closely with  
[10] manufacturing line unit managers to solve  
[11] process issues relating to methods, machines or  
[12] material within the assigned product line."  
[13] Have you done that?

[14] A: Well, I've never heard of a "line  
[15] unit manager." I don't think that position  
[16] exists any more.

[17] Q: Okay. Have you solved problems  
[18] relating —

[19] A: Yes, I have.

[20] Q: — to machines?

[21] A: I do that on a regular basis,  
[22] troubleshooting, either modifying the current  
[23] machinery or designing new machinery to improve  
[24] the process.

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[1] Q: The next one says, "Advise  
[2] manufacturing line unit managers," and I know  
[3] you say that position does not exist, "regarding  
[4] operator-based process issues." Do you advise  
[5] operators based on — about process issues?

[6] A: Well, I advise the foremen on  
[7] instances where I think that the operators are  
[8] causing bad quality or — and whatnot. We have  
[9] had many instances where lazy operators haven't  
[10] checked the material at the proper rate and  
[11] whatnot, and I've advised — I advise the  
[12] foremen to make sure that they keep an eye on  
[13] the operators.

[14] Q: So you have foremen that you work  
[15] with?

[16] A: Yeah. I assume that that's what they  
[17] mean by the "line unit managers."

[18] Q: And who do those foremen manage?

[19] A: They manage the operators themselves.

[20] Q: The next one says, "Work closely with  
[21] the product manager and marketing group  
[22] regarding product issues related to the  
[23] manufacturing process of assigned product line."  
[24] Do you do that?

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[1] A: Well, I'm not sure what they mean by  
[2] "product manager," but I do work with marketing  
[3] and the product planner to find out, you know,  
[4] if the customer has any complaints regarding  
[5] quality, or if they want changes made to the  
[6] design of the actual product.

[7] Q: Okay. You don't know of any person  
[8] who has the title "product manager?"

[9] A: I'm not familiar with that, no.

[10] Q: The next one says, "Document and  
[11] improve any material or method deviations, both  
[12] permanent or temporary, for assigned product  
[13] line." Do you do that?

[14] A: Could you repeat that?

[15] Q: "Document and approve any material or  
[16] method deviations, both permanent or temporary,  
[17] for assigned product line."

[18] A: Yes. The grinding wheels that we  
[19] use, I had to approve that those were better  
[20] than what we were using before, and I had to set  
[21] that up on a reorder system. We've also  
[22] approved the different grades of carbide and  
[23] different materials for the carbide line.

[24] Q: Okay. Of these last four things that



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[1] Alberghini? Is that the same thing?

[2] A: Yeah. We've changed the format  
[3] drastically, but it's the same project, yes.

[4] Q: How did you find out that there was a  
[5] job available at Simonds Industries?

[6] A: Jeremy called me while I was working  
[7] for my father.

[8] Q: And what did Jeremy tell you?

[9] A: He told me that Steve Niemi had quit,  
[10] and that there was now a position opened that  
[11] they were looking to fill in the next few  
[12] months.

[13] Q: Is it your understanding that you  
[14] replaced Steve Niemi?

[15] A: Well, they didn't — I was never told  
[16] that I replaced anyone specifically, but he told  
[17] me that the gap left by Steve was — needed to  
[18] be replaced.

[19] Q: Did Jeremy tell you anything else?

[20] A: No.

[21] Q: And what did you do from there, after  
[22] you learned that the position was open?

[23] A: I e-mailed Jeremy a — actually, I  
[24] e-mailed Ilda Thibodeau a resume, and that was

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[1] it.

[2] Q: Who interviewed you for the position?

[3] A: I interviewed with Rick Brault, Chip  
[4] Holm and David Bourgeois, Jr.

[5] Q: And what position did they tell you  
[6] you were interviewing for?

[7] A: Product engineer.

[8] Q: And were all four of those people in  
[9] agreement that it was a products engineer  
[10] position that you were applying for, or did  
[11] anyone deviate from that?

[12] A: Well, actually, I was never — come  
[13] to recall, they never actually said "product  
[14] engineer" during the interviews. That's what  
[15] Ilda Thibodeau told me the day that I was hired.

[16] MS. ELLIOTT: Okay. I don't have any  
[17] further questions.

[18] MR. SIGEL: I just have a couple.

[19] EXAMINATION

[20] BY MR. SIGEL:

[21] Q: Mr. Duperry, is it fair to say that  
[22] the drafting project you took over from Mr.  
[23] Alberghini did not require any kind of  
[24] mechanical engineering degree or expertise?

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[1] A: That's true.

[2] Q: And it's fair to say, too, isn't it,  
[3] that your primary duties in your job now, and  
[4] since you've been employed by Simonds, require  
[5] mechanical engineering expertise or, you know, a  
[6] degree in mechanical engineering?

[7] A: I believe that, yes.

[8] MR. SIGEL: No further questions.

[9] MS. ELLIOTT: I just have a follow-up  
[10] question.

[11] EXAMINATION

[12] BY MS. ELLIOTT:

[13] Q: As I understood your testimony, there  
[14] were some projects and accomplishments that you  
[15] indicated that you did not need to have a  
[16] mechanical engineering degree in order to  
[17] perform them. Specifically, you indicated that  
[18] the work instructions project, that it wasn't  
[19] necessary for you to have a mechanical  
[20] engineering degree?

[21] A: Uh-hum.

[22] Q: Is that correct?

[23] A: Yes.

[24] Q: And are you changing your testimony

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[1] at this time?

[2] MR. SIGEL: Objection.

[3] Q: You can answer it.

[4] MR. SIGEL: Well, changing his  
[5] testimony as to what?

[6] MS. ELLIOTT: As to that fact, that I  
[7] just stated.

[8] MR. SIGEL: Well, he testified to  
[9] just what he did earlier.

[10] MS. ELLIOTT: Correct, and I'm asking  
[11] if he's changing his testimony on that matter.

[12] A: No, those particular projects didn't  
[13] require mechanical engineering, but the ones  
[14] that I have done since have, that was — and was  
[15] doing at that time that I wrote that, I — those  
[16] are just projects that I completed. I was  
[17] working, at the same time that I wrote that, on  
[18] several others that required mechanical  
[19] engineering design expertise.

[20] Q: Okay. But not every project that you  
[21] were involved —

[22] A: No, not every project.

[23] Q: — in required a mechanical  
[24] engineering degree; is that correct?

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[1] A: Yes, that's correct.  
[2] Q: What other skills do the projects  
[3] that you work on, and have worked on, require  
[4] you to use?  
[5] MR. SIGEL: I'm sorry, could I get  
[6] that question again?  
[7] MS. ELLIOTT: What projects that he  
[8] has currently been working on, and projects that  
[9] you did work on since you've been employed at  
[10] Simonds, require you to use? What skills?  
[11] A: I'm sorry, that's kind of —  
[12] Q: What skills did the projects that you  
[13] have been working on at Simonds currently, and  
[14] the ones that you worked on previously, the  
[15] entire time that you've been employed, what  
[16] skills do those projects require you to use?  
[17] A: A vast amount of computer skills,  
[18] verbal skills, oral skills, lots of mechanical  
[19] engineering skills.  
[20] Right now I'm designing a test  
[21] fixture to determine the force needed to remove  
[22] a piece of carbide from the carbide tip band saw  
[23] blade. This uses force transducers, and I had  
[24] to calculate the shear stress needed to remove

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[1] the carbide, in order to derive the amount of  
[2] forces necessary for each band saw blade size.  
[3] It also requires a knowledge of machine design,  
[4] because I — the whole test fixture is using  
[5] machine components.  
[6] You know, there's computer skills,  
[7] some CNC programming I do on a regular basis.  
[8] It's a broad range, but a lot of it does have to  
[9] do with mechanical engineering.  
[10] Q: Okay. And other skills as well?  
[11] A: Yes.  
[12] Q: Actually, I do have a couple more  
[13] questions for you. Have you been made any  
[14] promises regarding your testimony here today, by  
[15] anybody from Simonds Industries?  
[16] A: No, I was not.  
[17] Q: And have you been threatened in any  
[18] way by anyone from Simonds Industries —  
[19] A: No, I haven't.  
[20] Q: — regarding your testimony today?  
[21] A: No, I have not.  
[22] MS. ELLIOTT: Okay. I don't have any  
[23] other questions.  
[24] (Whereupon, at 3:45 p.m.,  
the deposition ended.)

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[1] I have read the foregoing, and it is a  
[2] true transcript of the testimony given by me at  
[3] the taking of the subject deposition.  
[4]  
[5]  
[6]  
[7]  
[8]  
[9]

PETER DUPERRY

DATE

[1] ERRATA SHEET  
[2] I WISH TO MAKE THE FOLLOWING CHANGES  
[3] IN THE FOREGOING TRANSCRIPT OF MY DEPOSITION:  
[4]

[5] PAGE LINE CHANGE REASON  
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PETER DUPERRY

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